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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,325	07/30/2001	Moshe Weiner	Q64356	9182

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/916,325	Applicant(s) WEINER, MOSHE	
	Examiner TEMICA M. BEAMER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-36, 40, 41 and 44-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 37-39, 42, are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 17, 2008 have been fully considered but they are not persuasive. The applicant argues that Dowling fails to disclose a session management server wherein there is no management of sessions since the remote device is disconnected (no physical connection to the session). The applicant further discusses that Dowling instead discloses a virtual session server to be in continuous connection with an application program so that the remote device is only required to reconnect to the virtual session server.

At the outset, the examiner would like to point to the claim language of independent claims 26 and 40 and the applicants specification. A session management server is provided to continue a first session in a session management server although the first session has been stopped in the first device. As described in the applicant's specification, a session management server is to provide a spoofing technique to spoof the system into believing that a connection between the remote device and an application is still open after the session between the remote device and the application has stopped (page 9, lines 8-16).

Dowling discloses a virtual session server which provides the functionality of the session management server described by the applicant. The virtual session server allows a communication session and an application session to be maintained in a deactivated state (col. 3, lines 45-49). The virtual session server manages a logon

Art Unit: 2617

session between a remote unit and a server side application program. In this embodiment, the virtual session server emulates the presence of the remote unit to the server side application program and thereby maintains logon (reads on the spoofing technique described by applicant) until the remote device is ready to re-establish the connection with the application program (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53). Notably, Dowling discloses wherein the virtual session server is able to maintain a pointer or re-entry point into the application program for the remote unit when it decides to re-establish connection to the application program (col. 14, lines 45-61).

Based on the above arguments, the examiner maintains that Dowling reads on the claims as presented. Therefore, the examiner maintains the rejection as set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26-36, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling et al (Dowling), U.S. Patent No. 6,574,239.

Regarding claims 26 and 40, Dowling discloses a method for managing a plurality of sessions comprising: initiating a first session in a first device connected to a

Art Unit: 2617

data source; initiating a second session in the first device while the first data session is still running; stopping the first session in the first device; and continuing the first session in a session management server (col. 4, lines 14-26).

Regarding claims 27 and 41, Dowling discloses the session management method of claim 26, further comprising resuming the first session in the first device at the point at which the first session was interrupted (col. 4, lines 14-26).

Regarding claim 28, Dowling discloses the session management method of claim 26, wherein the first session and the second session are both data sessions (col. 10, lines 16-35).

Regarding claim 29, Dowling discloses the session management method of claim 26, wherein the first session is a data session and the second session is a voice session (col. 6, lines 45-50).

Regarding claims 30-32, Dowling discloses the session management method of claim 26, wherein the first device can be a cellular telephone, pda or personal computer (col. 1, lines 42-48).

Regarding claim 33, Dowling discloses the session management method of claim 26, wherein the first and second sessions are initiated using at least one key (col. 7, lines 22-25).

Regarding claim 34, Dowling discloses the session management method of claim 26, wherein the first session comprises downloading a data file (col. 7, lines 38-41).

Regarding claim 35, Dowling discloses the session management method of claim 26, wherein the data source is the Internet (col. 13, lines 21-29).

Regarding claim 36, Dowling discloses the session management method of claim 26, wherein the data source is a WAP gateway (col. 16, lines 42-45).

Regarding claim 44, Dowling discloses the session management method of claim 26, wherein the first device initiates the first session via the session management server, and the first device initiates the second session via the session management server (col. 3, lines 55-63, col. 4, lines 14-26, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 45, Dowling discloses the session management method of claim 26, wherein the session management server manages each session initiated by the first device (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 46, Dowling discloses the session management method of claim 26, wherein the session management server performs a spoofing function for the first device (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 47, Dowling discloses the session management method of claim 26, wherein the session management server provides a service to the first device, the service corresponding to each session of the first device managed by the session management server (the service is read on the server providing connectivity to the application program) (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 48, Dowling discloses the session management method of claim 47, wherein the service provided by the session management server is in addition to one or more services provided by the data source (the service is read on the server

Art Unit: 2617

providing connectivity to the application program) (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 49, Dowling discloses the session management method of claim 26, wherein the first device is continuously connected (i.e., maintained) to the session management server (col. 7, lines 41-35).

Regarding claim 50, Dowling discloses the session management method of claim 26, wherein switching between the first session and the second session by the first device is performed in real time (col. 4, lines 15-28).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is (571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/
Primary Examiner, Art Unit 2617